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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,875	01/20/2004	George Nordstrom	81092030	1874
28395	7590	05/02/2006	EXAMINER	
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,875	Applicant(s) NORDSTROM ET AL.	
	Examiner Shay L. Balsis	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 8 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings were received on 2/17/06. These drawings are acceptable.

Claim Objections

Claim 1 is objected to because of the following informalities: Line 6 states “disposed on and the support”. This is improper and needs to be corrected. It is suggested to delete ---and--- from the claim limitation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 9-14 are rejected under 35 U.S.C. 102(b) as being 35 U.S.C. 103(a) as being unpatentable over webpage “#3956-01 Var.-Speed MultiPro® Kit w/Flex-Shaft” herein referred to as “Dremel” in view of Johnson (USPN 621026 1).

Dremel teaches an apparatus comprising a spindle. There is an arbor fixedly disposed on a support plate. The arbor is adapted for attachment to the spindle. There is a cleaning member disposed on and extending from the support plate. The arbor (flex-shaft) makes the cleaning member capable of contacting the spindle of the machine tool to remove contaminants.

With regards to claim 2, the cleaning member is a plurality of bristles (bristle brushes).

With regards to claim 3, the cleaning member is a flexible wiper (rubber polishing points).

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With regards to claim 4, the cleaning member is disposed along an inside edge of the support plate for cleaning an exterior surface of the spindle (since the arbor is flexible the cleaning member can be used to clean the outside of the spindle).

With regards to claim 6, the cleaning member is disposed radially about the axis of rotation.

With regards to claim 7, the cleaning member is disposed at an angle relative to the support plate (the bristles are angled between 0 and 90).

With regards to claim 9, Dremel teaches an apparatus comprising a spindle. There is a fixture secured to the machine tool in a stationary position. There is a first coupling member on the support plate adapted to engage a second coupling member disposed on the spindle. There is a cleaning member disposed on and extending from the support plate. The cleaning member contacts a surface of the machine tool to remove contaminants.

With regards to claim 10, the cleaning member is disposed along an inside edge of the support plate for cleaning an exterior surface of the spindle (since the coupling members are flexible the cleaning member can be used to clean the outside of the spindle).

With regards to claim 11, the cleaning member is a plurality of bristles (bristle brushes).

With regards to claim 12, the cleaning member is flexible wiper (rubber polishing points).

With regards to claim 13, the cleaning member is disposed radially about the axis of rotation.

With regards to claim 14, the cleaning member is disposed at an angle relative to the support plate (the angle could be equal to any angle between 0 and 90).

Dremel teaches all the essential elements of the claimed invention however fails to teach a housing surround the spindle. Johnson teaches a housing that is to surround a portion of the spindle on a machine tool. The housing can be used on the rotational tool known as the DREMEL tool (col. 2, lines 1-3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Johnson's shield on Dremel's tool to maximize protection of an operator yet permit the tool to achieve its intended purpose. The shield would prevent shattered tools or thrown wires from injuring the user (col. 1, lines 15-27).

Allowable Subject Matter

Claims 8 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8 and 15 both include limitations of a conduit disposed on the support plate, wherein the conduit is connected to a pressurized fluid source. The above references fail to teach a support plate with a fluid supply. Furthermore, it is noted that there is no suggestion in the art to provide a pressurized fluid source in the spindle of Dremel.

While Shelton teaches a fluid source, Shelton fails to teach that the housing is disposed around or spaced apart from the spindle. It is noted there is no suggestion in the art to add the housing of Johnson to the device of Shelton. The device in Shelton is used by inserting the spindle into the machine being cleaned and one of ordinary skill in the art would appreciate that a housing on the spindle would prevent the spindle from being inserted into the machine.

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Response to Arguments

Applicant's arguments, see pages 7-13, filed 2/17/06, with respect to Begle, Pepin and Shelton have been fully considered and are persuasive. The rejections of Begle, Pepin and Shelton has been withdrawn.

Begle fails to teach that the housing surrounds the spindle. Additionally, the arbor is not attached to the spindle.

Pepin fails to teach that the arbor is fixedly disposed on the support plate and also fails to teach that the spindle does not rotate the brush.

Shelton fails to teach that the housing is disposed around or spaced part from the spindle.

Applicant's arguments filed 2/17/06 with respect to Dremel in view of Johnson have been fully considered but they are not persuasive.

With regards to Dremel in view of Johnson, the applicant stated that the examiner did not point out each and every element in the previous action. Drawings with the elements labeled were included with the previous action; the same drawings are included with this office action. All the elements are included on the drawings and are clearly labeled.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
4/17/06


GLADYS JP CORCORAN
SUPERVISORY PATENT EXAMINER